



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

September 21, 2017

Fred Goldsmith
Pet Paradise Lake Norman LLC
15020 Brown Mill Rd
Huntersville, NC 28078

Notice of Warning

Re: Violation of Title 02 N.C. Administrative Code (NCAC), Chapter 52J Section .0103 and .0210(c).

AWS-WL-2017-20

Facility: Pet Paradise Lake Norman
License No. 11148

Dear Mr. Goldsmith:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning Pet Paradise Lake Norman ("the kennel"). Based on the information within this complaint, AWS opened an investigation.

The investigation included a site visit by AWS Animal Health Technician Jay Blatche ("Inspector Blatche"), an interview with kennel management, a conversation with the staff of the veterinary clinic that the kennel management indicated was relevant to the complaint and a review of kennel records.

During the complaint investigation, Inspector Blatche requested to view records relevant to the investigation. The kennel manager revealed that the kennel disposed of the requested records within 30 days of the dog's stay. 02 NCAC 52J .0103 requires records to be maintained for one year after the animal is released. The 2018 license renewal application for kennel, in which the kennel agreed to maintain kennel records for a minimum of 1 year beyond the release of an animal, is enclosed.

When asked during the investigation, the kennel manager did not indicate that the animals within the facility are observed daily as required by 02NCAC 52J .0210(c).

Based on the results of this complaint investigation, the kennel appears to be in violation of 02 NCAC Chapter 52J Section .0103 and .0210(c).

This Warning Letter serves as written notice indicating in which respects the kennel has violated the N.C. Animal Welfare Act and the rules issued pursuant thereto. The kennel has 5 business days to implement corrective actions to address these violations.

Continued or future violation of these statutes or regulations may result in the assessment of a civil penalty of up to \$5,000.00 per violation pursuant to N.C. General Statute § 19A-40 and will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in refusal to issue or renew your facility's license or suspension or revocation of an existing license pursuant to N.C. General Statute § 19A-30.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a stylized flourish at the end.

Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

*History Note: Authority G.S. 19A-24; 19A-25;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005.*

North Carolina Department of Agriculture & Consumer Services

Animal Welfare Section/Veterinary Division

1030 Mail Service Center

Raleigh, NC 27699-1030

phone: 919.707.3280 fax: 919.733.6431 e-mail: agr.aws@ncagr.gov

Print Form

License Application / Renewal Application to Operate as the Following:

Check one

- ☐ New License
- ☒ Renew a License

Boarding Kennel (\$75 fee)

Facility License # 11148

Name of Facility Pet Paradise Lake Norman LLC

Physical Address 15020 Brown Mill Road

City Huntersville

NC

ZIP Code 28078

County Mecklenburg

Phone Number 7048758668

Fax Number 7048759864

Email ln@petparadiseresort.com

Mailing Address (if different from physical address)

Mailing Address

City

ZIP Code

Owner Information

Name of Owner Fred Goldsmith

Owner's Address 5130 University Blvd west

City Jacksonville

State FL

ZIP Code 32216

Information About the Facility

Hours Open to the Public 6a-7p m-f 9a-5p sat-sun

Days Open to the Public (check all that apply):

- ☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday
- ☒ Friday ☒ Saturday ☒ Sunday

Cleaning Hours: (cleanings required at least twice daily).
If more than twice daily, please indicate additional cleaning
times in the comment box of Article 1 on the next page.

Time of 1st Cleaning All day

of Dog Enclosures 93

Maximum # Dogs On-Site 150

Time of 2nd Cleaning All Day

of Cat Enclosures 12

Maximum # Cats On-Site 20

Signature of Owner or Authorized Agent

Date

5/29/2017

Annual Program of Veterinary Care

PURPOSE: This form is to be used for documenting the program of veterinary care in facilities required to be licensed/certified under the Animal Welfare Act. Items below are to be completed with the assistance of a veterinarian licensed in NC. If space is not adequate, use the back of this page or attach additional page(s). This form must be signed by the owner or manager of the facility and the veterinarian.

Name of Facility

Pet Paradise Lake Norman LLC

Facility License #

11148

Veterinarian's Information

Name of Veterinarian

Andrew P. Lee

Veterinarian's NC License #

7330

Address

7644 West B. Kelly Rd

City

Durham

NC

ZIP Code

28037

Phone Number

(704) 507-6694

1. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. [02 NCAC 52J.0207(a)]
Is your facility cleaned a minimum of twice daily (including weekends and holidays)? YES ☒ NO ☐

Describe your procedures for disinfecting the following: primary enclosures, exercise areas, feed & water bowls, litter boxes and bedding (if provided).

Water and food bowls are cleaned after each meal using dish soap.

Rooms are cleaned using halt we foam the rooms let them sit 10 min and then rinse and then dry out the rooms with a squeegee or towel.

Cat condos are cleaned using Sanicare TBX it is sprayed on the room then wiped off using towels it then air dries for 10 min.

The turf is foamed using Ecolyzer then rinsed out.

2. All animals in a licensed or registered facility must be in compliance with the North Carolina rabies law, N.C. Gen. Stat. 5130A, Article 6, Part 6. [02 NCAC 52J.0210(d)]

Does your facility ensure that all dogs and cats 4 months of age and older remain current with rabies vaccinations? YES ☒ NO ☐

List any other vaccinations that you require for dogs and cats:

We require

DOGS: Distemper and Bordetella

Cats: Feline Leuk

Owner/Manager Initials

DS

Veterinarian's Initials

AP

3. A full record of veterinary care is required. [02 NCAC 52J .0101(1-5), 02 NCAC 52J .0102(1-3)]
All animals must be fully documented from the time of intake to the time of release from the facility. All animal records must be retained a minimum of 3 years after the release of the animal; [19A-32.1(j)].

Does your facility retain or plan to retain (new facilities) all records for at least 1 year after the release of an animal?

YES ☒ NO ☐

4. All facilities must designate an isolation area for animals being treated or observed for communicable diseases.[02 NCAC 52J .0209(5)]. This applies to incoming animals as well animals that become ill during their stay at the facility.

Does your facility have a designated area for the isolation of animals that are sick during their stay?

YES ☒ NO ☐

Briefly describe your procedure for the isolation of incoming ill animals as well as animals that become ill during their stay at the facility:

We do not allow animals to enter the facility if they have any sign of illness or contagious illness. If a dog has become sick while on the premises, we isolate the dog in a room to keep from further contact with dogs. We would contact the owner immediately and get the dog to the closest vet or customer's vet.

5. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner. [02 NCAC 52J .0210(c)]

a. Does your facility sell, adopt or transfer dogs and/or cats? YES ☐ NO ☒

b. Does your facility sell, adopt or transfer any deformed (i.e. blind, amputee, etc.) dogs and/or cats?
YES ☐ NO ☒

c. If you answered YES for either or both questions, 5(a) and 5(b) above, please detail the protocol for the sale or adoption of diseased and/or deformed animals, including any health guarantees or refunds.

If you answered NO to both 5(a) and 5(b) then please disregard this question (5(c))

Owner/Manager Initials DS

Veterinarian's Initials AP


6. Detail your protocol(s) for providing emergency veterinary care to include emergency care during and after normal hours of operation. [02 NCAC 52J .0210(a)]

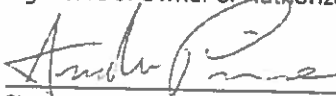
We do not provide Veterinary care, if an animal is in need of veterinary care we will take it to the nearest animal hospital.
Emergency vet for after hrs apts.

7. I certify that the facility named above has implemented this program of veterinary care and that the veterinarian named above assisted in its development.

NOTICE

A license is not transferrable. When there is a transfer of ownership, management or operation of a business... (they) shall have 10 days from such sale or transfer to secure license... A licensee shall promptly notify the director of any change in the name, address, management or substantial control of their business or operations. [GS 19A-31]. Notify this office of any additions to the facility.


Signature of Owner or Authorized Agent (required)


Signature of Veterinarian (required)

5/29/17
Date

6/5/17
Date